

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE NATIONAL COLLEGIATE	)	MDL No. 2492
ATHLETIC ASSOCIATION STUDENT-	)	
ATHLETE CONCUSSION INJURY	)	Master Docket No. 1:13-cv-09116
LITIGATION	)	
	)	This Document Relates To:
	)	All Cases
	)	
	)	Judge John Z. Lee
	)	
	)	Magistrate Judge Geraldine Soat Brown

**MOTION OF THE NCAA FOR LEAVE  
TO FILE DOCUMENTS UNDER SEAL**

The National Collegiate Athletic Association (“NCAA”), by and through its attorneys, hereby moves the Court for leave to file documents under seal and states as follows:

1. With this motion, the NCAA is also filing its response to the July 15, 2015 submission of Plaintiff Anthony Nichols (“Nichols”).

2. The NCAA's response to Nichols' July 15, 2015 submission is supported by documents that have been designated by non-parties to the Arrington lawsuit as "Confidential Protected Health Information" under the Arrington Stipulated Qualified HIPAA Protective Order (Arrington Dkt. #56). The Arrington Stipulated Qualified HIPAA Protective Order provides, in turn, that documents designated as Confidential Protected Health Information shall be treated as "Confidential Information" in accordance with the Arrington Agreed Confidentiality Order dated March 7, 2012 (Arrington Dkt. #57).

3. Pursuant to Case Management Order No. 1 (Dkt. #15), the Agreed Confidentiality Order in Arrington remains in full force and effect and is applicable to all cases consolidated in this multidistrict litigation.

4. The documents that contain information designated as Confidential Protected Health Information are attached as Exhibits 35, 36, 37 and 38 to the Declaration of Johanna Spellman (the “Spellman Declaration”) and as Exhibit F to the NCAA’s response to Nichols’ July 15, 2015 submission.

5. Exhibit 35 to the Spellman Declaration is a medical record produced by one of Plaintiff Adrian Arrington’s healthcare providers and designated as Confidential Protected Health Information (ARRINGTON-BREMER00000040).

6. Exhibit 36 to the Spellman Declaration contains certain excerpts from Mr. Arrington’s deposition in which Mr. Arrington discusses documents designated as Confidential and an injury report produced by Eastern Illinois University that is designated as Confidential Protected Health Information (ARRINGTON-EIU00000714).

7. Exhibit 37 to the Spellman Declaration contains certain excerpts from Plaintiff Derek Owens’ deposition that have been designated “Confidential.”

8. Exhibit 38 to the Spellman Declaration contains a record produced by Ouachita Baptist University and designated as Confidential Protected Health Information (PALACIOS\_OUACHITA200000942).

9. Exhibit F to the NCAA’s response to Nichols’ July 15, 2015 submission cites Confidential Protected Health Information from Exhibit 36 to the Spellman Declaration.

10. In addition, the NCAA’s response to Nichols’ July 15, 2015 submission cites Confidential Protected Health Information from Exhibit 36 of the Spellman Declaration.

11. Where possible, the NCAA has simultaneously filed public-record versions of the documents with the Confidential Information redacted. See Agreed Confidentiality Order at

¶ 7(b) (Arrington Dkt. #57) (requiring the electronic filing of “a public-record version of the document with the Confidential Information excluded”).

12. Accordingly, pursuant to Paragraph 7 of the Agreed Confidentiality Order (Arrington Dkt. #57) in Arrington, the NCAA respectfully requests leave to file under seal unredacted copies of the NCAA’s response to Nichols’ July 15, 2015 submission, Exhibits 35, 36, 37 and 38 to the Spellman Declaration and Exhibit F to the NCAA’s response to Nichols’ July 15, 2015 submission.

WHEREFORE, the NCAA respectfully requests that the Court grant this motion for leave.

Dated: September 14, 2015

Respectfully submitted,

/s/ Mark S. Mester

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**CERTIFICATE OF SERVICE**

I, Mark S. Mester, certify that on September 14, 2015, a true and correct copy of the MOTION OF THE NCAA FOR LEAVE TO FILE DOCUMENTS UNDER SEAL was filed through the ECF system and served upon the following parties by prepaid first class mail.

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